

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ROSHA WILLIAMS,</b>	)	
<b>Petitioner,</b>	)	<b>Civil Action No. 10-14 Erie</b>
	)	
<b>v.</b>	)	<b>Senior District Judge Maurice B. Cohill</b>
	)	<b>Magistrate Judge Susan Paradise Baxter</b>
<b>CITY OF ERIE POLICE</b>	)	
<b>DEPARTMENT, <u>et al.</u>,</b>	)	
<b>Respondents.</b>	)	

**MEMORANDUM ORDER**

Petitioner, Rosha Williams (“Williams”), filed a complaint alleging that defendants, the City of Erie Police Department (“EPD”); Officers Jonathan Nolan (“Nolan”) and Ryan Victory (“Victory”) of the EPD; and Michael Burns, Erie County Assistant District Attorney (“Burns”), subjected him to false arrest, illegal search and seizure without probable cause, and malicious prosecution in violation of his rights under the Fourth Amendment of the United States Constitution. As relief for his claims, Williams sought compensatory and punitive damages.

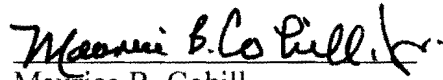
During the course of the litigation the case against Defendant Burns was dismissed on the basis of prosecutorial immunity. On December 28, 2011 the remaining defendants (“Defendants”) filed an Answer and Affirmative Defenses [ECF No. 50] to Williams’ Amended Complaint [ECF No. 30]. Subsequently, on June 6, 2012, the remaining Defendants filed a motion for judgment on the pleadings, asserting that Plaintiff failed to state a claim upon which relief could be granted against any of the Defendants [ECF No. 62]. Magistrate Judge Susan Paradise Baxter held a status conference on September 4, 2012 and ordered Williams to respond to the Defendants’ Motion by September 21, 2012. To date no response has been filed.

On October 16, 2012, Magistrate Judge Paradise Baxter issued a Report and Recommendation (“R&R”) [ECF No. 65] in which she recommended that the Motion for

Judgment on the Pleadings filed by the Defendants be granted, and the case be dismissed. It is the opinion of this Court that the Amended Complaint as written is deficient in alleging its claims and Williams has not pursued the claims though he was given ample time and notice to do so. Therefore, the following Order is entered:

And now to-wit, this 7<sup>th</sup> day of November 2012, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** as follows:

The Judgment on the Pleadings filed by Defendants, city of Erie Police Department, Officer Jonathan Nolan, and Officer Ryan Victory [ECF No. 62] is GRANTED and the case is dismissed. The Report and Recommendation of Magistrate Judge Baxter dated October 16, 2012 [ECF No. 65] is adopted as the Opinion of the Court. The Clerk shall mark this case **CLOSED**.

  
Maurice B. Cohill  
Senior United States District Court Judge  
Western District of Pennsylvania